

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

112300-752

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on _____

Signature _____

Typed or printed
name _____

Application Number

10/662,618

Filed

September 15, 2003

First Named Inventor

Chamberlain et al.

Art Unit

3714

Examiner

Weber, Christopher

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 35,602

☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____



Signature

Adam H. Masia

Typed or printed name

312-807-4284

Telephone number

August 27, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Chamberlain, et al.
Appl. No.: 10/662,618
Conf. No.: 9761
Filed: September 15, 2003
Title: GAMING DEVICE HAVING AN ELECTRONIC FUNDS TRANSFER
SYSTEM
Art Unit: 3714
Examiner: Weber, Christopher Steven
Docket No.: 0112300-752

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

This request is submitted in response to the Final Office Action dated June 28, 2007. This request is filed contemporaneously with USPTO form PTO/SB/33, "Pre-Appeal Brief Request for Review" and form PTO/SB/31, "Notice of Appeal."

Remarks begin on page 2 of this paper.

REMARKS

The Office Action rejected Claims 1-15, 17-22 and 24-29 under 35 U.S.C. § 102(b) as being anticipated by *Crevelt* et al. (U.S. Patent No. 5,902,983). All of the currently pending Claims as presently presented overcome *Crevelt*.

Each of the independent Claims recites two independent processors and/or control units. One of the processors/controllers is a game processor (e.g., to provide a slot machine game), and the other processor/controller is an electronic funds transfer (EFT) unit (e.g., to communicate with an outside financial institution). As claimed, these two processors/controllers operate without direct communication there between because the gaming system and the EFT system may be regulated by two different bodies. Typically, the gaming system is regulated by a state gaming commission, and the EFT system is regulated by the banking industry.

Because gaming systems and EFT systems are regulated by different bodies, an embodiment of the present invention contemplates the purchase an approved EFT device (e.g., approved by the banking industry) that maybe physically installed in the same cabinet as an approved gaming device (e.g., approved by a state gaming commission). The game processor and the casino's ticket validation network are not used to send EFT requests to the remote fund repository (e.g., a bank). Similarly, the EFT control unit and the EFT network are not used to validate casino tickets.

In this manner, each device may be constructed and approved separately from the other device. In other words, if the game processor or the casino's ticket validation network were used to send EFT requests, the gaming device would require approval by the banking industry in addition to approval by the state gaming commission. Similarly, if the EFT processor or the EFT network were used to validate casino tickets printed for players, the EFT device would require approval by the state gaming commission in addition to approval by the banking industry.

This idea of having one system to handle gaming functions and another system to handle EFT functions is documented in the specification. For example, see:

Referring now to Fig. 4, a general electronic configuration of the electronic funds transfer system for the gaming device 10 is illustrated. For reference, the processor 38 described

above that communicates with the ticket validation network 116, is illustrated. The system includes an EFT control unit 130, which has a processor 132 and a memory device 134. It should be appreciated that in one preferred embodiment, the processor 38 does not connect to or communicate directly with the EFT control unit 130. (page 26, lines 15-21) [Emphasis added]

While the EFT control unit 130 and the processor 38 are preferably physically housed in the same gaming device 10 in this embodiment, the two devices do not directly communicate. (page 31, lines 1-4) [Emphasis added]

Crevelt does not teach or suggest a game processor and a separate electronic funds transfer control unit **that do not directly communicate with each other as claimed**. This distinction between *Crevelt* and the present invention is most readily seen by comparing Fig. 1 of *Crevelt* with Fig. 9 of the present application.

Fig. 1 of *Crevelt* shows a game controller 6. However, it is unclear which device in *Crevelt* the Examiner is postulating to be the EFT control unit. Applicants assume the Examiner considers the gaming machine interface 10 to be the EFT control unit since the gaming machine interface 10 handles communications between the gaming machine 4 and the EFT system 11. Alternatively, if the Examiner considers the EFT system 11 to be the EFT control unit, the rejection is clearly in error as the EFT system 11 is clearly not part of the gaming machine 4 (as claimed).

In *Crevelt*, the game controller 6 does directly communicate with the gaming machine interface 10. The communication path between the game controller 6 and the gaming machine interface 10 is shown in FIG. 1. In addition, the *Crevelt* specification teaches that the game controller 6 connects to the gaming machine interface 10 to facilitate communication with the external EFT system. For example, *Crevelt* states:

In one aspect, the present invention provides a gaming machine which allows a player to transfer funds from a remote funds repository (e.g., a bank) via an electronic funds transfer system and convert the transferred funds into plays on the gaming machine. The gaming machine may be characterized as including the following features: (1) a game controller for controlling the play of a game; (2) a gaming machine interface for connecting the game controller to the electronic funds transfer system; and (3) a player interface

connected to the gaming machine interface. The player interface is capable of verifying the player's identity and identifying an account held by the player at the remote funds repository. The gaming machine interface is capable of at least (i) transmitting signals requesting playing credit not exceeding a preset amount to the remote funds repository, and (ii) receiving signals authorizing playing credit in the preset amount for the gaming machine from the remote funds repository (Col. 2, lines 50-67) [Emphasis added].

In contrast, **the present application teaches a game processor 38 and an EFT controller 130 (e.g., within gaming device 410) that do not have a direct communication path between them (See Fig. 9).** The game processor 38 connects to a ticket validation network 116, and the EFT controller 130 connects to an EFT network 140. This construction allows for separate components to be regulated separately as described above.

Applicants therefore respectfully submit that each of the pending independent Claims, as well as all Claims that depend from those independent Claims, are each patentably distinguished from *Crevelt*. Reconsideration is respectfully requested.

In light of the above, Applicants respectfully submit that the present claims are both novel and non-obvious over the art of record. Accordingly, Applicants respectfully requests that the rejections be reversed. If any fees are due in connection with this application as a whole, the office is hereby authorized to deduct said fees from Deposit Account No.: 02-1818.

Respectfully submitted,
BELL, BOYD & LLOYD LLP

BY



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Dated: August 27, 2007